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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

10	UNITED STATES OF AMERICA,)	CASE NO.: 07CV2342LABJMA
11	Petitioner,)	ANSWER TO COMPLAINT FOR
12	v.)	FORFEITURE AND DEMAND
13	ONE RESIDENTIAL PROPERTY)	FOR JURY TRIAL
14	LOCATED AT 30220 COOL VALLEY)	
15	LANE, VALLEY CENTER, CA, AND)	
16	ALL IMPROVEMENTS AND)	
17	APPURTENANCES AFFIXED THERETO,)))	
18	ONE RESIDENTIAL PROPERTY)	
19	LOCATED AT 681 DOUGLAS AVENUE,)	
20	SAN MARCOS, CA, AND ALL)	
21	IMPROVEMENTS AND)	
22	APPURTENANCES AFFIXED THERETO,)))	
23	Defendants.)	

24 COMES NOW the Claimant, ERLINDA COSTALES, and in answer to Plaintiff's Complaint
 25 for Forfeiture, hereby responds, alleges, and otherwise pleads as follows:

- 26 1. Claimant admits the allegations contained in Paragraph 1 of the Complaint for
 27 Forfeiture.
 28 2. Claimant denies each and every allegations set forth in Paragraph 2 of the Complaint

1 for Forfeiture in the conjunctive as well as the disjunctive.

2 3. Claimant denies each and every allegations set forth in Paragraph 3 of the Complaint
3 for Forfeiture in the conjunctive as well as the disjunctive.

4 4. Answering Paragraph 4 of the Complaint for Forfeiture, Claimant has no information
5 or belief sufficient to enable her to answer the allegations contained therein, and basing her denial on
6 that ground, denies each and every allegation contained therein in the conjunctive as well as the
7 disjunctive.

8 5. Claimant denies each and every allegations set forth in Paragraph 6 of the Complaint
9 for Forfeiture in the conjunctive as well as the disjunctive.

10 6. Claimant denies each and every allegations set forth in Paragraph 7 of the Complaint
11 for Forfeiture in the conjunctive as well as the disjunctive.

12 7. Claimant denies each and every allegations set forth in Paragraph 8 of the Complaint
13 for Forfeiture in the conjunctive as well as the disjunctive.

14 8. Answering Paragraph 9 of the Complaint for Forfeiture, Claimant has no information
15 or belief sufficient to enable her to answer the allegations contained therein, and basing her denial on
16 that ground, denies each and every allegation contained therein in the conjunctive as well as the
17 disjunctive.

18 9. Claimant denies each and every allegations set forth in Paragraph 11 of the Complaint
19 for Forfeiture in the conjunctive as well as the disjunctive.

20 10. Claimant denies each and every allegations set forth in Paragraph 12 of the Complaint
21 for Forfeiture in the conjunctive as well as the disjunctive.

22 11. Claimant denies each and every allegations set forth in Paragraph 13 of the Complaint
23 for Forfeiture in the conjunctive as well as the disjunctive.

24 12. Answering Paragraph 14 of the Complaint for Forfeiture, Claimant has no information
25 or belief sufficient to enable her to answer the allegations contained therein, and basing her denial on
26 that ground, denies each and every allegation contained therein in the conjunctive as well as the
27 disjunctive.

28 13. Claimant denies each and every allegations set forth in Paragraph 16 of the Complaint

¹ for Forfeiture in the conjunctive as well as the disjunctive.

2 14. Claimant denies each and every allegations set forth in Paragraph 17 of the Complaint
3 for Forfeiture in the conjunctive as well as the disjunctive.

4 15. Claimant denies each and every allegations set forth in Paragraph 18 of the Complaint
5 for Forfeiture in the conjunctive as well as the disjunctive.

6 16. Answering Paragraph 19 of the Complaint for Forfeiture, Claimant has no information
7 or belief sufficient to enable her to answer the allegations contained therein, and basing her denial on
8 that ground, denies each and every allegation contained therein in the conjunctive as well as the
9 disjunctive.

AFFIRMATIVE DEFENSE(S)

FIRST AFFIRMATIVE DEFENSE

2 For a further and separate answer to the Complaint for Forfeiture, Claimant alleges the subject
3 Amended Complaint as pled fails to state facts sufficient to constitute a cause of action against the
4 defendant property.

SECOND AFFIRMATIVE DEFENSE

6 For a further and separate answer to the Complaint for Forfeiture, Claimant alleges Plaintiff
7 lacked probable cause for the institution of this forfeiture action.

THIRD AFFIRMATIVE DEFENSE

9 For a further and separate answer to the Complaint for Forfeiture, Claimant alleges that the
10 forfeiture in this case is disproportionate, and is a violation of the Eighth Amendment to the United
11 States Constitution.

FOURTH AFFIRMATIVE DEFENSE

23 For a further and separate answer to the Complaint for Forfeiture, Claimant alleges that the
24 searches which led to this forfeiture action, including but not limited to any electronic surveillance
25 utilized in the investigation leading to said forfeiture action, violated the Fourth Amendment to the
26 United States Constitution.

JURY DEMAND

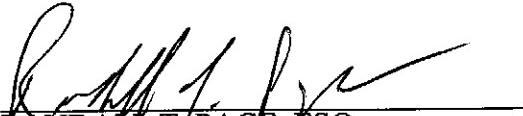
Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and general federal law,

1 Claimant demands a trial by jury in connection with the subject action.

2 WHEREFORE, Claimant prays for judgment as follows:

- 3 1. That the Complaint for Forfeiture be dismissed with prejudice;
- 4 2. That the subject property be returned to Claimant;
- 5 3. For reasonable attorney's fees herein and costs of suit; and
- 6 4. For such other and further relief as the Court may deem just.

7 DATED: 1-19-08



RANDALL T. PAGE, ESQ.

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9 Attorney for Claimant
10 ERLINDA COSTALES
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1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF SAN DIEGO**

3 I am employed with the law firm of PAGE, LOBO, COSTALES & PRESTON, A.P.C., whose
4 address is 24910 Las Brisas Road, Suite 102 Murrieta, CA 92562. I am over the age of eighteen, and
5 I am not a party to this action.

6 On January 4, 2008, I caused service of the Answer to Complaint for Forfeiture and Demand
7 for Jury Trial on the following parties by electronically filing the foregoing with the Clerk of the
8 District Court using its ECF System, which electronically notifies said parties:

- 9 1. Karen P. Hewitt, United States Attorney, Attorney for Plaintiff
10 2. David M. McNees, Special Assistant U.S. Attorney, Attorney for Plaintiff

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12 Date: January 22, 2008

Rebekah Brasee
REBEKAH BRASEE